

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12768 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

AMRELI JILLA LOCAL BOARD KARMACHARIO NI MAKAN

Versus

JITENDRAKUMAR LAXMANBHAI SARKHEDI

Appearance:

MR RAVINDRA SHAH for Petitioner

MR JAYANT PATEL for Respondent No. 1, 7

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 16/01/2001

ORAL JUDGEMENT

#. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

#. Rule. The learned counsel for the respondents waives service of rule.

#. After arguing at some length and discussion the learned counsel on both the sides have agreed on proposition that the original application at Ex.4 in Lavad Suit No.63/1999 pending before the Learned Board of Nominee Bhavnagar (Amreli Camp) is required to be heard and decided as expeditiously as possible and not later than 15.2.2001. It is also agreed and understood amongst the parties that they shall fully cooperate for the hearing and they shall not seek any unnecessary adjournment and shall not in any way try to delay the hearing and disposal of not only the said application at Ex.4 but the plea of the petitioner as regards the jurisdiction of the Learned Board of Nominee to entertain the suit in question.

#. Accordingly, by consent it is ordered that the Learned Board of Nominee concerned shall hear and decide before 15.2.2001 the original application at Ex.4 alongwith the plea and application, if any, of the petitioner simultaneously. In the meantime, the learned counsel for the petitioner makes a statement that, no further construction will be put up by the petitioner on the land in question. However, it is clarified that the Learned Board of Nominee shall decide the aforesaid application on merits and in accordance with law without in any way being influenced by the orders made by the Learned State Cooperative Tribunal in the Revision Application No.33/2000 and the interim order made by this Court pending the petition. The parties shall abide by their statement of not delaying the hearing and disposal of the aforesaid application. The impugned order of the Learned Gujarat State Cooperative Tribunal in Revision Application No.33/2000, without entering into the merits of the same, stands modified to the aforesaid extent. Rule is made absolute to the aforesaid extent. The petition stands disposed of accordingly.

(D. H. WAGHELA, J.)

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